

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Kimberly Marick

Petitioner,

VS.

Michael J. Astrue, Social Security
Administration Commissioner,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

Civil File No. 2:09-cv-19

Before the Court are Motions for Summary Judgment filed by both parties (Docs. #11, #16). Plaintiff Marick initiated this action under 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Commissioner of Social Security denying her application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401-33.

The Court has received a Report and Recommendation (Doc. #19) from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that

Plaintiff's Motion for Summary Judgment be **DENIED**, Defendant's Motion for Summary Judgment be **GRANTED**, and the Commissioner's decision be **AFFIRMED**. No party has filed an objection to this recommendation within the requisite time period pursuant to Rule 72(a) and (b) of the Federal Rules of Civil Procedure, and District of North Dakota Local Court Rule 72.1(D)(3).

The Court has reviewed the Report and Recommendation, along with the entire file, and finds that the Magistrate Judge's position is correct. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. Plaintiff's Motion for Summary Judgment is hereby

DENIED, Defendant's Motion for Summary Judgment is hereby **GRANTED**, and the Commissioner's decision is hereby **AFFIRMED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 22nd day of March, 2010.

/s/ *Ralph R. Erickson*
Ralph R. Erickson, Chief District Judge
United States District Court